

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE EVERGREEN ULTRA SHORT)	No. 1:08-CV-11064-NMG
OPPORTUNITIES FUND SECURITIES)	
LITIGATION)	

NOTICE OF WITHDRAWAL OF MOTION FOR PARTIAL SUMMARY JUDGMENT

In the Expert Report of Edward S. O’Neal, Ph.D. and Craig J. McCann, Ph.D., Lead Plaintiffs alleged that Defendants Evergreen Investment Management Co. LLC, Evergreen Investment Services, Inc., Wachovia Corporation, Dennis H. Ferro, and Kasey Phillips’ (the “Evergreen Defendants”) labeling of the Evergreen Ultra Short Opportunities Fund (the “Fund”) as an “ultrashort” fund was misleading because the Fund invested in securities with long-stated maturities. Evergreen Defendants’ LR 56.1 Concise Statement of Material Facts of Record (Docket No. 79) at ¶ 8. The Evergreen Defendants filed a Motion for Partial Summary Judgment relating to this theory (the “Motion”) (Docket No. 77). In response to the Motion, Lead Plaintiffs now claim that they “do not assert that Defendants violated the Securities Act ‘because the Fund invested in securities with long-stated maturities despite being labeled as an “ultrashort” mutual fund – a type of fund that allegedly should primarily hold securities with short-term maturities.’ Plaintiffs likewise do not assert that the name of the Evergreen Ultra Short Opportunities Fund (the ‘Fund’), in itself, amounts to an actionable misstatement under the Securities Act.” Lead Plaintiffs and Class Representatives’ Response to Evergreen Defendants’ Concise Statement of Material Facts of Record and LR 56.1 Concise Statement of Material Facts of Record (“Lead Plaintiffs’ CSMF”) (Docket No. 88) at ¶ 8.

In light of the positions taken by Lead Plaintiffs in response to the Motion, the Evergreen Defendants hereby provide notice of the withdrawal of the Motion For Partial Summary Judgment filed with the Court on February 15, 2012 (Docket No. 77).

Further, the Evergreen Defendants hereby expressly reserve their rights to respond to the facts alleged in Lead Plaintiffs' CSMF, and the Evergreen Defendants' withdrawal of the Motion shall not be deemed an admission of any of the facts alleged in Lead Plaintiffs' CSMF.

Respectfully submitted,

Dated: March 30, 2012

REED SMITH LLP

BY: s/ George M. Linge
George M. Linge, BBO #648199
Thomas L. Allen, *admitted pro hac vice*
Joseph P. Pohl III, *admitted pro hac vice*
Justin J. Kontul, *admitted pro hac vice*
225 Fifth Avenue, Suite 1200
Pittsburgh, PA 15222
Telephone: (412) 288-3131
Facsimile: (412) 288-3063

*Counsel for Evergreen Investment Management
Co. LLC, Evergreen Investment Services, Inc.,
Wachovia Corporation, Dennis H. Ferro and
Kasey Phillips*

CERTIFICATE OF SERVICE

I hereby certify that this document filed on March 30, 2012 through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and by U.S. Mail to those identified non-registrants on the date of filing.

/s/ George M. Linge_____